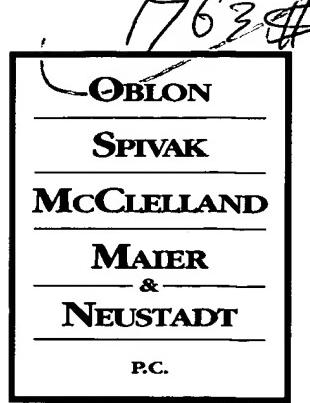




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TC 1700

Docket No.: 216202US3

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



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RE: Application Serial No.: 09/988,559

Applicants: Kenya WADA, et al.

Filing Date: November 20, 2001

For: METHOD AND APPARATUS FOR TREATING
SURFACE OF SUBSTRATE PLATE

Group Art Unit: 1763

Examiner: HASSANZADEH, P

SIR:

Attached hereto for filing are the following papers:

**RESPONSE TO RESTRICTION AND ELECTION OF SPECIES REQUIREMENT
REQUEST FOR EXTENSION OF TIME (1 month)**

Our check in the amount of \$110.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
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216202US3



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

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TC 1700

IN RE APPLICATION OF : :

Kenya WADA, et al. : EXAMINER: HASSANZADEH, P

SERIAL NO: 09/988,559 : :

FILED: NOVEMBER 20, 2001 : GROUP: 1763 #7

FOR: METHOD AND APPARATUS FOR
TREATING SURFACE OF SUBSTRATE PLATE 8171B
MW

RESPONSE TO RESTRICTION AND
ELECTION OF SPECIES REQUIREMENT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Restriction Requirement stated in the Official Action dated June 4, 2003, Applicants provisionally elect Group (Invention) I, Claims 1-4, drawn to methods, classified in class 438, subclass 708. Furthermore, in response to the Election of Species requirement in the same Office Action, Applicants respectfully submit, as discussed during the telephone communication of July 21, 2003 with Examiner Hassanzadeh, that Claims 1-4 are readable to all of the species listed therein.

Applicants respectfully traverse the outstanding Restriction Requirement for several reasons.

First, the outstanding Office Action asserts that “[t]he inventions are distinct, each from the other” under MPEP § 806.05(e), because “[i]n this case the method can be used for processing a stationary substrate plate rather than a substrate plate that is transferred horizontally by a conveyer device.” However, without further information, such a finding

lack grounds upon which it can be evaluated whether in fact the proposed alternative is “materially different” under MPEP §806.05(e). Accordingly, it is respectfully submitted that the PTO has not carried its burden of proof to establish distinctness.

Furthermore, MPEP § 803 states the following:

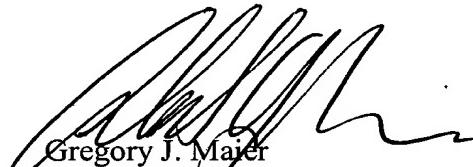
If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

In the present application, Claims 1-4 are directed to methods for treating a surface of a substrate plate, while Claim 5-11 are directed to apparatus for treating a surface of a substrate plate. Hence, it appears that the claims in the present application are part of an overlapping search area and that a search for Claims 1-4 would necessarily include the class and subclass required for searches directed to Claims 5-11 as well. It is therefore believed that there is no undue burden on the Examiner to search all the claims under MPEP § 803, and Applicants respectfully traverse the Restriction Requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner.

Therefore, it is respectfully requested that the requirement to elect a single group be withdrawn, and that a full examination on the merits of Claims 1-11 be conducted.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



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